

CHAPTER 4 CIVIL CASE MANAGEMENT

RULE 4.1 SCOPE OF CHAPTER

This chapter applies to all general civil cases filed after July 1, 1992, “General Civil Case” means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform child Custody Jurisdiction Act, freedom from parental custody and control proceedings, and adoption proceeding), juvenile court proceedings, small claims appeals, and “other civil petitions” as defined in the Regulation on Superior Court Reports to the Judicial Council, including petitions for writ of mandate of prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name.

Eff. Jul 1, 2001.

RULE 4.2 DEFINITIONS

- (A) The term “counsel” includes parties representing themselves;
- (B) The term “defendant” also includes cross-defendant.

Eff. Jul 1, 2001.

RULE 4.3 TRANSFERRED CASES

All cases transferred from another jurisdiction are subject to this Rule.

Eff. Jul 1, 2001.

RULE 4.4 POLICY

It is the policy of the Mono County Superior Court to manage all cases from the moment the Complaint is filed.

- (A) It is the policy of the Court to conclude 90% of all civil litigation cases filed within twelve (12) months of the filing of the Complaint.
- (B) It is the policy of the Court to conclude 98% of all civil litigation cases within eighteen (18) months of the filing of the complaint and 100% within twenty-four (24) months.
- (C) It is the policy of the Court that, once any date has been set, it cannot be changed without a showing of good cause.

Eff. Jul 1, 2001.

RULE 4.5 SERVICE OF SUMMONS

- (A) Within sixty (60) days of the filing, the Complaint must be served and a proof of service filed with the Court. When a complaint is voluntarily amended for the first time, pursuant to CCP 472, before the defendant answers (even after demurrer), the time herein shall run from the file date of the amended complaint.
- (B) Upon failure to serve the Complaint and file a proof of service as required above, an Order to Show Cause shall issue as to why counsel should not be sanctioned for failure to comply with this Rule.

Responsive papers to the Order to Show Cause must be filed and served five (5) days in advance of the hearing.

Eff. Jul 1, 2001.

RULE 4.6 RESPONSIVE PLEADINGS

- (A) Each party served shall file and serve all necessary responsive pleadings within the time required by law.
- (B) Absent the filing of the responsive pleadings, the plaintiff is required, within sixty (60) days after the statutory time for filing the responsive pleadings, to request the entry of default, as herein provided. Failing that, an Order to Show Cause will issue as to why sanctions should not be imposed.
- (C) After a request for entry of default is filed, the Court will set and notice the case for default hearing. In lieu of appearance and in an appropriate case, a declaration under Code of Civil Procedure Section 585 may be submitted.
- (D) Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.
- (E) Parties may seek to set aside a default by a stipulation submitted with a proposed Order. If the Court approves the Order, an Answer or other pleading must be filed within ten (10) days of the filing of the Order.

Eff. Jul 1, 2001.

RULE 4.7 CASE MANAGEMENT CONFERENCE

- (A) **Filing of Complaint.** Upon filing a Complaint, the plaintiff shall receive the following from the Clerk:
 - (1) Summons and Complaint indicating case number.
 - (2) Notice and date of the Case Management Conference which will be set within one hundred eighty (180) days of the filing of the original complaint; and
 - (3) A Notice of Filing Complaint and Dispute Resolution Packet.
- (B) **Notice.** At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of the Case Management Conference.
- (C) **Case Management Conference.** Counsel for each appearing party shall attend the Case Management Conference, shall be familiar with the case, and shall be prepared to discuss all matters. Counsel who fail to attend or participate shall be subject to sanctions. At the Case Management Conference, the Court may make all the appropriate pretrial orders, which can include the following:
 - (a) *Alternative Dispute Resolution.* The Court may make Orders on stipulations to binding arbitration and filing of the award, and/or set a future status conference date for referral to arbitration. The Court shall examine and consider alternative dispute resolution programs or procedures available to the parties;
 - (b) *Discovery.* Orders establishing a plan regulating the timing, scope, issues, and deadlines for completing any remaining discovery;
 - (c) *Law and Motion.* Orders scheduling dates by which law and motion matters must be completed;

- (d) *Subsequent Conferences and Trial Date.* Orders setting further interim status conferences and setting the issue conference/trial date. (Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration, or other processes). Untimely cross-complaints shall, in most cases, be served so as not to delay the orderly processes of the Court.

Eff. Jul 1, 2001; Amended Jan 1, 2003

RULE 4.8 PRETRIAL CONFERENCES

As to all cases, approximately fourteen (14) days prior to the trial date, a Pretrial Conference will be held before the trial judge in which all matters necessary to be resolved before trial will be before the Court. All trial counsel must be present, along with all principals or clients and claims representatives.

- (A) **Motions in Limine.** All motions in limine must be in writing and are to be filed and served at least three (3) court days before the conference.
- (B) **Pretrial Conference Statement.** A “Pretrial Conference Statement” must be filed with the Court five (5) court days prior to the Pretrial Conference. The following shall be included in this statement and will be considered at the conference.
- (a) A statement of facts, law and respective contentions of the parties regarding liability, damages, nature and extent of injuries, any unusual evidentiary or legal issues anticipated at trial, and all matters of fact believed by any party to be appropriate for stipulations;
 - (b) All witness lists, a brief statement of anticipated testimony, an exhibit list, and a trial length estimate;
 - (c) A proposed statement of the case to be read to the jury,

Eff. Jul 1, 2001

RULE 4.9 SANCTIONS

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply with these rules, sanctions may be imposed.

Eff. Jul 1, 2001

RULE 4.10 SETTLEMENT CONFERENCES

4.10.1 Presence of Accessibility of Attorneys, Parties and Others

At the mandatory settlement conference, *each party appearing in an action must be personally present* or must be immediately accessible by telephone at all times during the conference. *Corporate parties and governmental entities must be represented by a responsible officer in addition to and separate from counsel for such parties – authorized to make all decisions regarding the case*, subject only to the approval of any governing board having the ultimate power to make such decisions. By way of illustrating the legal capacity of the representative of a governmental party, it is expected that the responsible officer, in the case of a city, would be the city manager, mayor or authorized public official at the “Department Manager” level and, in the case of a county, would be the county administrator, chairman of the Board of Supervisors, or authorized public official at the “Department Manager” level. For every party appearing in the action, counsel who will actually try the case must attend the conference. In any tort case wherein a party who might be liable for damages has insurance coverage, the insurance company shall have present, or immediately accessible by telephone throughout the entire duration of the conference, a representative who shall be authorized to make all decisions regarding the case.

Eff. Jul 1, 2001.

4.10.2 DUTIES OF COUNSEL PRIOR TO CONFERENCE

- (A) **Settlement Conference Statement.** At least five (5) days before the conference, counsel for each party will lodge with the Clerk of this Court, and serve upon all other counsel, a detailed settlement conference statement. The statement will not form a part of the Clerk's file but will be retained by the settlement conference judge following the conference, if a party designates the statement as a confidential statements. Any party's settlement conference statement may incorporate another party's settlement conference statement by reference.
- (B) **Content.** In every case, the statement will contain a summary of the facts, the harm claimed by plaintiff to have been produced by defendant's conduct and the legal issues involved as well as a proposal for the settlement of the case.
- (C) **Tort Actions – Damages.** In actions seeking damages for injury to person or property, the statement shall contain a detailed summary of all items of claimed damage and a statement that copies of all medical or other bills evidencing some damage have been delivered to opposing counsel. In actions seeking damages for personal injury, the statement of each party shall have attached to it a copy of that party's most recent medical report and a statement that either copies of all medical reports in the possession of that party have been delivered to all other parties or that, for a specified reason, certain reports will not be so delivered. When damage for earning or profit loss is claimed, the claimant's statement shall show in detail how the amount of the claimed loss is composed and shall include a statement that copies of all wage statements or other earnings or profit records available to the claimant have been delivered to opposing counsel.

Eff. Jul 1, 2001

4.10.3 DUTIES OF COUNSEL AT CONFERENCES

Each attorney attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant evidence available to him pertaining to all issues and shall be prepared to discuss all aspects of the case. In addition, the attorney for each party who has requested a jury trial in a case where the right thereto is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, shall present the form of any special verdicts or interrogatories which will be required for the resolution of the case by the jury.

Eff. Jul 1, 2001

4.10.4 VACATING CONFERENCE

A mandatory settlement conference will not be vacated at the request of counsel unless counsel for each defendant advises the Court in writing that his client will neither make or accept any offer to settle the case at any time prior to trial.

Eff. Jul 1, 2001

4.10.5 SANCTIONS

The failure of any person to appear at, prepare for, or participate in good faith in a mandatory settlement conference, in conformity with the requirements of this chapter, unless good cause is shown for such failure, is an unlawful interference with the proceedings of the Court and may result in sanctions as set forth in Chapter 3 of these Rules.

Eff. Jul 1, 2001

RULE 4.11 PRESENTATION, FILING AND SERVICE OF COURT PAPERS**4.11.1 PROPOSED JUDGMENTS, DECREES AND ORDERS IN UNCONTESTED MATTERS**

In uncontested proceedings (e.g., uncontested dissolution of marriage, default judgment, and routine probate applications), an original and one copy of the proposed judgment, decree or order sought in the proceeding shall be presented to the Clerk prior to the Clerk's preparation of the calendar upon which such matter is proposed to be heard and the Clerk shall not place such proceeding on the calendar for hearing unless the original and copy of the proposed judgment, decree or order shall have been so presented. The copy mentioned in the foregoing requirement is in addition to any copy which counsel desire to have endorsed and returned to counsel by the Clerk.

Eff. Jul 1, 2001

RULE 4.11.2 FILING AND SERVICE OR ORDERS

All written orders, including orders to show cause, orders for examination of judgment debtors, temporary restraining orders and injunctions, signed by a judge, shall be filed forthwith. An endorsed copy shall be served upon the parties to be notified thereof and an endorsed copy, bearing proof of service, shall be filed prior to the hearing.

Eff. Jul 1, 2001

RULE 4.11.3 EX PARTE APPLICATIONS

Unless otherwise herein directed or unless otherwise specifically ordered all ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders (except probate orders) sought in the civil law and motion department or in the family law department shall be made pursuant to California Rules of Court, rule 379.

A hearing date and time for ex parte applications and order must be made in advance by contacting the Superior Court Clerk's office.

Eff. Jul 1, 2001; Amended Jan 1, 2003

RULE 4.11.4 HEADINGS ON PLEADINGS IDENTIFYING PARTIES

Each pleading shall contain a heading which includes a brief description of the pleading and the identity of the party for whom it is filed (e.g. "Defendant Dorothy Shaw's Answer to Complaint" or "Cross-Defendant Peter Smith's Answer to Cross-Complaint of Ace Corporation"). No clerk shall accept for filing or file any papers which do not comply with this rule and California Rules of Court 311 through 319 inclusive.

If the matter is one that prior to unification would have been filed in the municipal court, or if it is a matter described in California Rules of Court, rule 709, insert the word "Limited". The clerk will assume all filings not marked limited are unlimited filings and will charge the appropriate "higher" fee. Each pleading shall comply in all respects with California Rules of Court 311 through 319 inclusive.

Eff. Jul 1, 2001